

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claim 1 will have been amended. Accordingly, claims 1 – 20 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has rejected claims 7 – 17 as being indefinite , rejected claims 1 – 6 as being directed to non-statutory subject matter and claims 1 – 20 over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Amendment Proper for Entry

Applicants submit that the entry of the above amendment is proper. Applicants submit that the entry of the amendment is proper, since such amendment places the application in condition for allowance or, alternatively, places the application in better form for appeal. No new claims are added. Applicants further submit that no new issues are raised requiring further search and/or consideration by the Examiner. Specifically, claim 1 has been amended to address §101 issues.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph is Traversed

The Examiner has rejected claims 7 – 17 for being indefinite. Specifically, the Examiner asserts that the language “. . . a system stored on a tangible medium . . .,” as recited in claims 7

and 8 render these claims (and their dependent claims) indefinite, as "the claims seem to be directed towards two (2) different statutory classes, i.e., a system and a tangible medium. Applicants respectfully disagree.

Applicants respectfully submit that these claims recite a single statutory class, i.e., a system. Moreover, Applicants submit that, contrary to the Examiner's assertions, e.g., program instructions stored on a tangible medium, is a system. That is, Applicants submit a tangible medium is not a separate statutory class of invention, as the Examiner asserts. Applicants respectfully remind the Examiner of MPEP § 706.03(a)(I), directed to Subject Matter Eligibility, and which states (emphasis added):

Patents are not granted for all new and useful inventions and discoveries. The subject matter of the invention or discovery must come within the boundaries set forth by 35 U.S.C. 101, which permits patents to be granted only for "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof."

Thus, Applicants submit claims 7 and 8 (and their respective dependent claims) recite a single statutory class, i.e., a system (or machine). Accordingly, Applicants respectfully request the rejection of claims 7 – 17 under 35 U.S.C. § 112, 2nd paragraph be withdrawn

Rejection Under 35 U.S.C. § 101 is Moot

The Examiner rejected claims 1 – 6 as being directed to non-statutory subject matter. Applicants submit that, by the present amendment, independent claim 1 has been amended to tie the method of claim 1 to specific structure, thus rendering the rejection of these claims under 35 U.S.C. § 101 moot.

As the Examiner's concerns with regard to the recitation of statutory subject matter in claims 1 – 6 have been addressed by the present amendment, Applicants request that the

Examiner reconsider and withdraw the rejection of claims 1 – 6 under 35 U.S.C. § 101, and indicate that these claims are fully in compliance with the requirements of the statute.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 1 – 6 under 35 U.S.C. § 103(a) as being unpatentable over GRETIVE et al. (U.S. Patent No. 6,591,243) [hereinafter “GRETIVE”] in view of LUCAS (U.S. Patent No. 6,996,538) [hereinafter “LUCAS”]. The Examiner asserts that GRETIVE shows all of the features recited in the above-noted claims except for issuing an alert to a user when the risk of the at least one of a supply shortage and a necessity of initiating supply is determined. However, the Examiner asserts that LUCAS discloses as quantity in-stock approaches a calculated or specified threshold, customer inventory system 130 may automatically request new supplies from server 100 (column 4, lines 13 – 15). Additionally, the Examiner asserts that:

... it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an alert to a user when the risk of the at least one of a supply shortage and a necessity of initiating supply is determined in [GRETIVE], as seen in [LUCAS], since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Applicants respectfully traverse the Examiner’s assertions.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness. See MPEP §2142. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings.¹ Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants submit that GRETTVE in view of LUCAS does not teach or suggest each of the features of the present invention.

As discussed in Applicants' previous response, the present invention is directed to monitoring a supply between suppliers and clients, e.g., for industrial projects. In the non-limiting exemplary embodiment of the invention described in the application, the construction of an oil well is described. As many projects can be concurrently and/or successively occurring at the job site, it is preferable that supplies are available when needed to avoid the cost of downtime waiting for additional supplies. However, it may also be advantageous to avoid costs for paying for all supplies upfront and/or to avoid the cost associated with storing supplies (either already purchased or available on consignment) around the job site.

Applicants' traversal of the pending rejection is based on the failure of GRETTVE in view of LUCAS to teach or suggest each and every recited element of the pending claims, and upon the Examiner's failure positively identify each recited element in the pending claims.

In this regard, as more fully developed below, the Examiner has cited generalized statements in GRETTVE as disclosure of various expressly recited features of the pending

¹ While the *KSR* court rejected a rigid application of the teaching, suggestion, or motivation ("TSM") test in an obviousness inquiry, the [Supreme] Court acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" in an obviousness determination. *Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-1357 (Fed. Cir. 2007) (quoting *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1731 (2007)).

claims. However, the Examiner has not positively identified the specific elements or features recited in the claims to inform Applicants as what parts of the applied art allegedly correspond to the claimed elements. Therefore, in the event the Examiner intends to maintain this rejection in a subsequent action, Applicants request that the Examiner provide a complete office action identifying where the disclosures of GRETTVE and LUCAS positively describes the allegedly corresponding recited element or feature in Applicants' claims.

Of course, Applicants do not believe that the Examiner can comply with this request because GRETTVE, in contrast to the embodiments of the invention recited in the pending claims, is simply an automated system for receiving and processing a purchase order that is generally described in such a manner that the details of the pending claims cannot be positively identified in the applied art.

Independent Claim 1 over GRETTVE in view of LUCAS

The embodiments of the invention recited in the pending claims are generally directed to monitoring *the supply* of materials and *usage of that supply* to ensure that materials are available when needed without the expense of large upfront costs and/or costs for storing and maintaining materials at the job site when such materials are not presently needed. GRETTVE in contrast is directed to submitting a purchase order and delivering the ordered goods. In this regard, Applicants' independent claim 1 is directed to method implemented on a computer of monitoring a supply between at least one supplier and at least one client, in which a client site has at least one project, and each project is associated with dated requirements for products, and maintaining a state of product stock and product purchases, and recites, *inter alia, creating a list of product types required for each project, producing at least one table for each product type* for a sequence

of time slices having a chosen time origin, the at least one table having a *first running total* for each time slice from the time origin up to a time slice of interest of *a first quantity associated with the dated requirements of the client site*, a *second running total* for each time slice from a time origin up to a time slice of interest, of *a second quantity associated with the stock and the purchases*, wherein the purchases are shifted timewise according to a delay in time; and *searching the at least one table using a comparator of the computer for times at which the second running total is less than the first running total which is indicative of a risk of at least one of a supply shortage and a necessity of initiating supply*. Applicants submit GRETTVE fails to teach or suggest at least the above-noted features of the invention. Additionally, Applicants submit that LUCAS fails to teach or suggest issuing an alert to a user using the computer when the risk of the at least one of a supply shortage and a necessity of initiating supply is determined.

GRETTVE Does Not Teach Or Suggest Creating List, Producing At Least One Table, And Searching the At Least One Table

Thus, a careful review of GRETTVE reveals that this document fails to disclose *creating a list of product types required for each project, producing at least one table for each product type* for a sequence of time slices having a chosen time origin, wherein the purchases are shifted timewise according to a delay in time; and *searching the at least one table for times at which the second running total is less than the first running total which is indicative of a risk of at least one of a supply shortage and a necessity of initiating supply*, as recited in at least independent claim 1.

While GRETTVE discloses supplier means for receiving customer product information, including customer product balance data, customer outflow demand data from the customer

means, and customer's customer product information such as customer's customer product balance data and customer's customer outflow demand data from customer's customer means via the customer means, *see* GRETIVE, col. 3, lines 43 – 50, there is no disclosure of GRETIVE creating a list of product types required for each project, and producing, for each listed product type, at least one table having a *first running total* for each time slice from the time origin up to a time slice of interest of a *first quantity associated with the dated requirements of the client site*, a *second running total* for each time slice from a time origin up to a time slice of interest, of a *second quantity associated with the stock and the purchases*. At best, GRETIVE creates a purchase order for delivery to the customer, in which a demand time for delivery is requested and stored in supplier means 1. However, the Examiner has not identified any specific disclosure in GRETIVE that arguably discloses creating a list of product types required for each project. In the Response to Arguments section, the Examiner states GRETIVE discloses customer project information, including customer product balance data, which inherently includes product types. However, Applicants submit that GRETIVE does not teach or suggest creating a list of product types required for each project, as recited in claim 1.

Additionally, the Examiner has not identified any specific disclosure in GRETIVE that arguably discloses that at least one table is produced for each product type. Further, Applicants note that GRETIVE does not even arguably disclose the specifically recited features of the at least one table that is produced for each product type. In particular, while noting col. 3, lines 56 – 60 disclose determining and storing of a demand time for a refilling of balance of customer storage based on customer product information, the Examiner has not shown how this disclosure relates to the above "table" of GRETIVE is produced for a sequence of time slices having a chosen time origin, as recited in at least independent claim 1. That is, the Examiner has not

identified a time slice in GRETTVE and certainly not a sequence of time slices in tables for each product, as recited in independent claim 1. As GRETTVE is based upon an intended single delivery scheme by determining the optimum time for delivering the requested goods, GRETTVE has no need to consider sequences of time slices, as recited in Applicants' claims. For this additional reason, Applicants submit GRETTVE fails to render unpatentable the instant invention.

Because GRETTVE fails to even arguably teach or suggest the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 31 and 32 of GRETTVE cannot even arguably describe a *first running total* for each time slice from the time origin up to a time slice of interest of a *first quantity associated with the dated requirements of the client site*, as recited in at least independent claim 1. Further, as the above-noted disclosure of GRETTVE relates to the customer means 2, and not to the supplier means 1, which the Examiner asserts as the recited table, the cited disclosure in GRETTVE cannot be reasonably construed as further defining the at least one table, as recited in Applicants' independent claim 1. Similarly, as GRETTVE fails to even arguably teach or suggest the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 40 – 44 of GRETTVE cannot even arguably teach or suggest a *second running total* for each time slice from a time origin up to a time slice of interest, of a *second quantity associated with the stock and the purchases*, as recited in at least independent claim 1. Again, this disclosure of GRETTVE is directed to the customer means 2, and therefore cannot logically further define the Examiner's alleged table that is supplier means 1. Moreover, as GRETTVE is directed to delivery of a purchase order, Applicants submit that GRETTVE fails

to show, and the Examiner has failed to identify explicit disclosure of, purchases that are shifted timewise according to a delay in time, as recited in independent claim 1.

Further, as GRETTVE fails to teach or suggest the first and second running totals, Applicants submit that col. 4, lines 50 – 54 of GRETTVE cannot even arguably describe *searching the at least one table for times* at which the second running total is less than the first running total which is *indicative of a risk of at least one of a supply shortage and a necessity of initiating supply*. As discussed above, GRETTVE determines the optimum time for delivering the goods to the customer, but there is no disclosure in GRETTVE that this determination is based upon the recited running totals in Applicants' at least one table for each product type for a sequence of time slices. Instead, GRETTVE makes his determination based upon customer information data, as described above. Thus, for this additional reason, Applicants submit GRETTVE fails to teach or suggest each of the features recited in at least independent claim 1.

LUCAS Does Not Teach Or Suggest Issuing An Alert To A User When The Risk Of The At Least One Of A Supply Shortage And A Necessity Of Initiating Supply Is Determined

Additionally, Applicants submit that LUCAS does not teach or suggest issuing an alert to a user using the computer when the risk of the at least one of a supply shortage and a necessity of initiating supply is determined, as recited in claim 1. As noted above, the Examiner asserts LUCAS teaches “as quantity in-stock approaches a calculated or specified threshold, customer inventory system 130 may automatically request new supplies from server 100 (column 4, lines 13 – 15).”

LUCAS may teach as quantity in-stock approaches a calculated or specified threshold, customer inventory system may automatically request new supplies from server. Applicants,

however, submit that automatically requesting new supplies does not constitute issuing an alert to a user using the computer when the risk of the at least one of a supply shortage and a necessity of initiating supply is determined, as recited in claim 1. That is, in addressing this feature of the invention, the Examiner has equated automatically requesting new supplies, as taught in GRETTVE with the issuing of an alert, as recited in claim 1. However, Applicants respectfully submit that an automatic requesting of new supplies is not issuing an alert. For example, whereas issuing an alert, as recited in the present invention, allows a user control to decide how to proceed, an automatic requesting of new supplies removes any user control.

Accordingly, for at least these reasons, Applicants submit that GRETTVE in view of LUCAS fails to teach or suggest each and every recited element of at least independent claim 1, such that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of obviousness under 35 U.S.C. § 103(a). Therefore, Applicants submit the pending rejection is improper and should be withdrawn.

Dependent Claims 2 - 6 over GRETTVE in view of LUCAS

Applicants submit that claims 2 - 6 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that GRETTVE in view of LUCAS fails to render unpatentable the invention recited in at least claims 2 - 6 such that the pending rejections should be considered and withdrawn.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 - 6 under 35 U.S.C. § 103(a) and indicate that these claims are allowable in next official communication.

Traversal of Rejection Under 35 U.S.C. § 102(e)

Applicants traverse the rejection of claims 7 – 20 under 35 U.S.C. § 102(e) as being anticipated by GRETTVE. The Examiner asserts that GRETTVE shows all of the features recited in the above-noted claims. Applicants traverse the Examiner's assertions.

The embodiments of the invention recited in the pending claims are generally directed to monitoring *the supply* of materials and *usage of that supply* to ensure that materials are available when needed without the expense of large upfront costs and/or costs for storing and maintaining materials at the job site when such materials are not presently needed. GRETTVE in contrast is directed to submitting a purchase order and delivering the ordered goods. Applicants' independent claim 7 is directed to a system stored on a tangible medium for monitoring a supply between at least one supplier and at least one client using a computer, and recites, *inter alia*, a monitoring module *configured to maintain in memory a dated state of requirements for products associated with at least one project* and further configured to *concurrently maintain in memory a state of stock and purchases of the products*, and the monitoring module comprises a control module that includes a requirements module configured to produce, for each product type, a *first table* associated with a sequence of time slices having a chosen time origin, wherein the first table associates with each time slice a *first running total of requirements* from a time origin up to a time slice of interest, a resources module configured to produce, for each product type, a *second table* associated with a sequence of time slices, wherein the second table associates with each time slice a *second running total of stock and purchases* from the time origin up to the time slice of interest, wherein the purchases are shifted timewise according to a delay in time, and a *comparator that searches for times at which second running totals are less than first running*

totals which are indicative of a risk of a supply shortage. Further, Applicants' independent claim 8 is directed to a system stored on a tangible medium for monitoring a supply between at least one supplier and at least one client, and recites, inter alia, a monitoring module configured to maintain in memory a dated state of requirements of products associated with one or more projects and configured to maintain in memory, at the same time, a state of the stock and purchases of the products, and the monitoring module comprises a running total module that receives, as parameters, a designation of a product type, a mode, and a time origin, the running total module produces, for the designated product type, a table associating successive time slices with a running total of product quantities being defined by the mode, wherein each running total goes from the time origin up to a time slice of interest, and a control module that calls the running total module with a product type and a mode of requirements on a client site, to which the running total module supplies a first table, the control module calls the running total module with the same product type, and a mode of stock and deliveries, to which the running total module supplies a second table, and the control module searches for times at which the running totals in the second table become less in the first table, which are indicative of a risk of supply shortage. Applicants' now independent claim 18 is directed to a computer readable medium product stored on a tangible medium comprising a program for executing a method, and recites, inter alia, creating a list of product types required for each project, producing at least one table for each product type for a sequence of time slices having a chosen time origin, the at least one table having a first running total for each time slice from the time origin up to a time slice of interest of a first quantity associated with the dated requirements of the client site; and a second running total for each time slice from a time origin up to a time slice of interest, of a second quantity associated with the stock and the purchases, wherein the purchases are shifted timewise

according to a delay in time, and searching *the at least one table for times at which the second running total is less than the first running total which is indicative of a risk of at least one of a supply shortage and a necessity of initiating supply.* Finally, Applicants' independent claim 19 is directed to a computer readable medium product stored on a tangible medium comprising a program being executable for implementing functions of a monitoring module that includes a control module, in a system for monitoring a supply between at least one supplier and at least one client, and recites, *inter alia*, that the implemented functions of the monitoring module include maintaining in memory a *dated state of requirements for products associated with at least one project and concurrently maintaining in memory a state of stock and purchases of the products*, producing, for each product type, via a requirements module of the control module, a *first table associated with a sequence of time slices having a chosen time origin*, wherein the first table associates with each time slice a first running total of requirements from a time origin up to a time slice of interest, producing, for each product type, via a resources module of the control module a *second table associated with a sequence of time slices*, wherein the second table associates with each time slice a second running total of stock and purchases from the time origin up to the time slice of interest, wherein the purchases are shifted timewise according to a delay in time, and searching, via a comparator, for times at which second running totals are less than first running totals *which are indicative of a risk of a supply shortage.* Applicants submit GRETIVE fails to disclose at least the above-noted features of the invention.

Independent Claims 7 and 19 over GRETIVE

Applicants further note that a careful review of GRETIVE reveals that the applied art fails to disclose a monitoring module *configured to maintain in memory a dated state of*

requirements for products associated with at least one project and further configured to *concurrently maintain in memory a state of stock and purchases of the products*, as recited in at least independent claims 7 and 19. While GRETVE discloses means for receiving customer product information, including customer product balance data, customer outflow demand data from the customer means, and customer's customer product information such as customer's customer product balance data and customer's customer outflow demand data from customer's customer means via the customer means, *see* GRETVE, col. 3, lines 43 – 50, there is no disclosure of GRETVE having a module that *maintains a dated state of requirements for products associated with at least one project* and *maintains a state of stock and purchases of the products in memory*. At best, GRETVE creates a purchase order for delivery to the customer, but this action by GRETVE merely identifies a single date for delivery, and thus has no reason for maintaining the stock and purchases of the products in memory. Thus, Applicants submit this document can anticipate of Applicants' invention.

There is no apparent disclosure in GRETVE of the recited first and second tables produced by the requirements module and the resources module, respectively, or of the requirements module and the resource module recited in the pending claims. In particular, as discussed above, even if GRETVE is understood to generate a table for each product, which Applicants submit there is no such disclosure, GRETVE certainly does not disclose, and the Examiner has not positively identified, time slices in each of the tables and first and second running totals for the each time slice in the respective first and second tables, as recited in at least independent claims 7 and 19. As discussed above, GRETVE is based upon an intended single delivery scheme by determining the optimum time for delivering the requested goods, as such, GRETVE has no need for sequences of time slices, as recited in Applicants' independent

claims 7 and 19. For this additional reason, Applicants submit GRETTVE fails to anticipate the instant invention.

Because GRETTVE fails to even arguably disclose the requirements module configured to produce the recited first table for each product type associated with a sequence of time slices, Applicants submit that col. 4, lines 31 and 32 of GRETTVE cannot even arguably describe a *first running total of requirements* from a time origin up to a time slice of interest, as recited in at least independent claims 7 and 19. Similarly, as GRETTVE fails to even arguably disclose the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 40 – 44 of GRETTVE cannot even arguably describe a *second running total of stock and the purchases* from the time origin up to the time slice of interest, as recited in at least independent claims 7 and 19. Moreover, Applicants note that, as GRETTVE fails to disclose that purchases are shifted timewise according to a delay in time, the applied art fails to recite this additional feature of Applicants' claims.

As discussed above, as GRETTVE fails to disclose, and the Examiner has not positively identified, the first and second running totals, Applicants submit that col. 4, lines 50 – 54 of GRETTVE cannot even arguably describe a comparator that *searches for times* at which second running totals are less than first running totals which are *indicative of a risk of at least one of a supply shortage*, as recited in at least independent claims 7 and 19. As discussed above, GRETTVE determines the optimum time for delivering the goods to the customer, but this determination is based on the demanded delivery time, and not upon the recited running totals in Applicants' at least one table for each product type for a sequence of time slices. Instead, GRETTVE makes his determination based upon customer information data, as described above.

Thus, for this additional reason, Applicants submit GRETTVE fails to anticipate the invention recited in at least independent claims 7 and 19.

Accordingly, Applicants submit that GRETTVE fails to show each and every recited element of at least independent claims 7 and 19, such that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(e). Therefore, Applicants submit the pending rejection is improper and should be withdrawn.

Independent Claim 8 over GRETTVE

Similar to independent claims 7 and 19 discussed above, a careful review of GRETTVE also reveals that the applied art fails to disclose a monitoring module *configured to maintain in memory a dated state of requirements for products associated with one or more projects and configured to maintain in memory, at the same time, a state of the stock and purchases of the products*, as recited in at least independent claim 8. While GRETTVE discloses means for receiving customer product information, including customer product balance data, customer outflow demand data from the customer means, and customer's customer product information such as customer's customer product balance data and customer's customer outflow demand data from customer's customer means via the customer means, *see* GRETTVE, col. 3, lines 43 – 50, there is no disclosure of GRETTVE having a module that *maintains a dated state of requirements for products associated with one or more projects and maintains a state of the stock and purchases of the products in memory*. At best, GRETTVE creates a purchase order for delivery to the customer, but this action by GRETTVE merely identifies a single date for delivery, and thus has no reason for maintaining the stock and purchases of the products in memory. Thus, Applicants submit this document can anticipate of Applicants' invention.

Further, there is no apparent disclosure in GRETTVE of the running total module that receives, as parameters, a designation of a product type, a mode, and a time origin, the running total module produces, for the designated product type, *a table* associating successive time slices with a *running total of product quantities* being defined by the mode, wherein each running total goes from the time origin up to a time slice of interest, as recited in at least independent claim 8. In fact, Applicants note that GRETTVE fails to disclose any device for producing a table associating successive time slices with a *running total of product quantities* being defined by the mode. As discussed above, GRETTVE is based upon an intended single delivery scheme by determining the optimum time for delivering the requested goods, as such, GRETTVE monitors only the delivery date and has no need to consider successive time slices, as recited in Applicants' independent claim 8. For this additional reason, Applicants submit GRETTVE fails to anticipate the instant invention.

As noted above, GRETTVE fails disclose, and the Examiner fails to positively identify, a running total module, a first and second table, or any manner for searching times at which running totals of the first and second tables are indicative of a risk of a supply shortage. Thus, Applicants submit that GRETTVE fails to anticipate the embodiment of the invention recited in at least independent claim 8, which recites a control module that includes calling the running total module with a product type and a mode of requirements on a client site, to which the running total module supplies a first table, calling the running total module with the same product type, and a mode of stock and deliveries, to which the running total module supplies a second table, and searching for times at which the running totals in the second table become less in the first table, which are indicative of a risk of supply shortage. Thus, for these additional

reasons, Applicants submit GRETTVE fails to anticipate the invention recited in at least independent claim 8.

Accordingly, Applicants submit that GRETTVE fails to show each and every recited element of at least independent claim 8, such that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(e). Therefore, Applicants submit the pending rejection is improper and should be withdrawn.

Independent Claim 18 over GRETTVE

As noted above, GRETTVE fails to disclose *creating a list of product types required for each project, producing at least one table for each product type* for a sequence of time slices having a chosen time origin, wherein the purchases are shifted timewise according to a delay in time; and *searching the at least one table for times* at which the second running total is less than the first running total which is *indicative of a risk of at least one of a supply shortage and a necessity of initiating supply*, as recited in at least independent claim 18.

While GRETTVE discloses supplier means for receiving customer product information, including customer product balance data, customer outflow demand data from the customer means, and customer's customer product information such as customer's customer product balance data and customer's customer outflow demand data from customer's customer means via the customer means, *see* GRETTVE, col. 3, lines 43 – 50, the Examiner has not identified any express disclosure of creating a list of product types, and producing, *for each listed product type*, at least one table having a *first running total* for each time slice from the time origin up to a time slice of interest of *a first quantity associated with the dated requirements of the client site*, a *second running total* for each time slice from a time origin up to a time slice of interest, of a

second quantity associated with the stock and the purchases. At best, GRETTVE creates a purchase order for delivery to the customer, in which a demand time for delivery is requested and stored in supplier means 18. However, the Examiner has not identified any specific disclosure in GRETTVE that arguably disclosed that at least one table is produced for each product type.

Further, Applicants note that GRETTVE does not even arguably disclose the specifically recited features of the at least one table that is produced for each product type. While noting col. 3, lines 56 – 60 disclose determining and storing a demand time for a refilling of balance of customer storage based on customer product information, the Examiner has not shown how this disclosure relates to the above “table” of GRETTVE is produced for a sequence of time slices having a chosen time origin, as recited in at least independent claim 18. That is, the Examiner has not identified a time slice in GRETTVE and certainly not a sequence of time slices in tables for each product, as recited in independent claim 18. As GRETTVE is based upon an intended single delivery scheme by determining the optimum time for delivering the requested goods, GRETTVE has no need to consider sequences of time slices, as recited in Applicants. For this additional reason, Applicants submit GRETTVE fails to anticipate the instant invention.

Because GRETTVE fails to even arguably disclose the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 31 and 32 of GRETTVE cannot even arguably describe a *first running total* for each time slice from the time origin up to a time slice of interest of a *first quantity associated with the dated requirements of the client site*, as recited in at least independent claim 18. Further, as the above-noted disclosure of GRETTVE relates to the customer means 2, and not to the supplier means 1, which the Examiner asserts as the recited table, the cited disclosure in GRETTVE cannot be

reasonably construed as further defining the at least one table, as recited in Applicants' independent claim 18. Similarly, as GRETTVE fails to even arguably disclose the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 40 – 44 of GRETTVE cannot even arguably describe a *second running total* for each time slice from a time origin up to a time slice of interest, of a *second quantity associated with the stock and the purchases*, as recited in at least independent claim 18. Again, this disclosure of GRETTVE is directed to the customer means 2, and therefore cannot logically further define the Examiner's alleged table that is supplier means 1. Moreover, as GRETTVE is directed to delivery of a purchase order, Applicants submit that GRETTVE fails to show, and the Examiner has failed to identify explicit disclosure of, purchases that are shifted timewise according to a delay in time, as recited in independent claim 18.

Further, as GRETTVE fails to disclose the first and second running totals, Applicants submit that col. 4, lines 50 – 54 of GRETTVE cannot even arguably describe *searching the at least one table for times* at which the second running total is less than the first running total which is *indicative of a risk of at least one of a supply shortage and a necessity of initiating supply*. As discussed above, GRETTVE determines the optimum time for delivering the goods to the customer, but there is no disclosure in GRETTVE that this determination is based upon the recited running totals in Applicants' at least one table for each product type for a sequence of time slices. Instead, GRETTVE makes his determination based upon customer information data, as described above. Thus, for this additional reason, Applicants submit GRETTVE fails to anticipate the invention recited in at least independent claim 18.

Accordingly, Applicants submit that GRETTVE fails to show each and every recited element of at least independent claim 18, such that the Examiner has failed to establish an

adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(e). Therefore, Applicants submit the pending rejection is improper and should be withdrawn.

Dependent Claims 9 – 17 and 20

Further, Applicant submits that claims 9 – 17, and 20 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that GRETVE fails to anticipate the invention recited in at least claims 9 – 17, and 20, such that the pending rejections should be considered and withdrawn.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 7 – 20 under 35 U.S.C. § 102(e) and indicate that these claims are allowable in next official communication.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

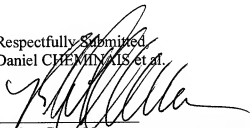
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 20. The claims have been amended to eliminate any arguable basis for rejection based solely upon formal matters. In addition, the applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully Submitted,
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